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6 *Attorneys for Defendant*
7 T-MOBILE USA, INC.

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

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11
12 TERI P. VILLAFANA,
13 Plaintiff,

14 v.

15 T-MOBILE USA, INC., a foreign Corporation
licensed to do business in Nevada,
16 Defendant.

Case No. 2:21-cv-00661-GMN-DJA

**STIPULATION AND PROPOSED
ORDER RELATED TO T-MOBILE'S
PENDING MOTION TO DISMISS
AMENDED COMPLAINT (ECF No. 25)**

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19 Defendant T-MOBILE USA, INC. ("Defendant") and Plaintiff TERI P. VILLAFANA
20 ("Plaintiff") (collectively, the "Parties"), through their respective counsel, file this Stipulation and
21 Order related to T-Mobile's pending Motion to Dismiss Amended Complaint (ECF No. 25).

22 On November 10, 2021, the United States Bankruptcy Court entered an order denying Plan
23 Confirmation and dismissing Plaintiff's Chapter 13 bankruptcy case. A copy of this order is
24 attached as Exhibit A. T-Mobile's pending Motion to Dismiss contains arguments directly related
25 to Plaintiff's bankruptcy. Mot. Dismiss at § III(B-C), p.6:18-10:3. In light of the November 10,
26 2021, order dismissing Plaintiff's bankruptcy and denying plan confirmation, the parties have
27 agreed and stipulate that the Defendant's arguments related to Plaintiff's bankruptcy contained in
28

1 Defendant's Motion to Dismiss at Sections III(B-C), p.6:18-10:3, be withdrawn without
2 prejudice. Defendant shall retain the right to file the same or similar arguments at a later time
3 if it deems appropriate to do so. Defendant shall further retain the right to conduct discovery on
4 these issues in accordance with the applicable rules of civil procedure. The remainder of
5 Defendant's Motion to Dismiss shall stand as submitted.

6 This stipulation is made in good faith and not for purpose of delay.

7
8 Dated: November 18, 2021

Dated: November 18, 2021

9 Respectfully submitted,

Respectfully submitted,

10
11 /s/ Mary F. Chapman, Esq.

/s/ Amy L. Thompson, Esq.

12 MARY F. CHAPMAN, ESQ.
13 LAW OFFICE OF MARY F. CHAPMAN,
LTD.

MONTGOMERY Y. PAEK, ESQ.
AMY L. THOMPSON, ESQ.
LITTLER MENDELSON, P.C.

14 *Attorney for Plaintiff*
TERI P. VILLAFANA

Attorneys for Defendants

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16 **IT IS SO ORDERED.**

17 Dated this 19 day of November, 2021.

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20 
Gloria M. Navarro, District Judge
21 UNITED STATES DISTRICT COURT

22 4862-9292-8772.1 / 066431-1088
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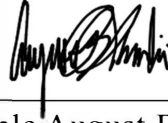
Exhibit Index

Exhibit A – November 10, 2021 Order Denial of Confirmation and
Dismissing Case

EXHIBIT A

November 10, 2021 Order Denial of
Confirmation and Dismissing Case

EXHIBIT A



Honorable August B. Landis
United States Bankruptcy Judge



Entered on Docket
November 10, 2021

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

Chapter 13
Case No: 21-13198-ABL

TERI PATRECE VILLAFANA

ORDER DENIAL OF CONFIRMATION AND
DISMISSING CASE

Debtor

Hearing Date: 11/04/2021
Hearing Time: 1:30 pm

The Trustee's Opposition to Confirmation of Plan Combined with Trustee's Recommendation of Dismissal filed in the above-captioned matter having on for hearing, the following parties have appeared: [X] Trustee [] Debtor [] Attorney for Debtor [X] Other Debtor's counsel communicated with the Trustee's office prior to the hearing, but did not appear at the hearing, and said Motion having been considered by this Court, and good cause appearing therefore;

IT IS HEREBY ORDERED that confirmation of the Plan is denied and that the above-captioned proceedings under Chapter 13 be DISMISSED for the following reason(s):

- Other Reason: failure to resolve Trustee's Opposition to Confirmation (Docket No. 25)

DATED: 11/09/2021

Submitted by:

/s/ KATHLEEN A. LEAVITT

Kathleen A. Leavitt

Chapter 13 Trustee

(dgt)

LR 9021 CERTIFICATION:

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

☐ The court has waived the requirement set forth in LR 9021 (b)(1).

☒ No party appeared at the hearing or filed an objection to the motion.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Approved:	_____
Disapproved:	_____
Failed to Respond:	_____

☐ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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